

Gregory L. Spallas, Esq. (SBN 129306)
Adolpho O. Karajah, Esq. (SBN 310785)
PHILLIPS, SPALLAS & ANGSTADT LLP
560 Mission Street, Suite 1010
San Francisco, California 94105
Tel: (415) 278-9400
Fax: (415) 278-9411
gspallas@psalaw.net
akarajah@psalaw.net

Attorneys for Defendant
WAL-MART ASSOCIATES, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STACY PERKINS, an individual,

Plaintiff,

vs.

WAL-MART ASSOCIATES, INC., a Delaware
Corporation, and DOES 1 through 100,
inclusive,

Defendants.

Case No: 1:20-cv-00638-DAD-EPG

**STIPULATION AND ORDER TO
CONTINUE MEDIATION DEADLINE**

Removal Date: May 05, 2020
Mediation Date: TBD
Mediation Deadline: February 02, 2021
Trial Date: TBD

IT IS HEREBY AGREED AND STIPULATED, by and between all parties, through their undersigned counsel, as to the following:


1. On May 05, 2020, Defendant Wal-Mart Associates, Inc. (“Defendant” or “Walmart”) filed its Notice to Court and Adverse Party of Removal to Federal Court.
2. On July 06, 2020, Walmart filed a Stipulation and Proposed Order for Elect Referral of Action to Voluntary Dispute Resolution Program pursuant to Local Rule 271.
3. On July 07, 2020, the Court ordered the action to be referred to the Voluntary Dispute Resolution Program with program administrator Sujean Park.
4. On July 20, 2020, after various meet and confer sessions, the parties agreed on Mr. Sanford Kingsley to serve as mediator under the Voluntary Dispute Resolution Program and submitted him to the program administrator’s assistant Jonathan Crouch.
5. On August 03, 2020, Mr. Kingsley was appointed by the Court to serve as neutral for mediation under the Voluntary Dispute Resolution Program.

- 1 6. The current mediation deadline is February 02, 2021 following the parties' stipulation
2 and order to continue the original mediation deadline of November 02, 2020.
- 3 7. The deposition of Plaintiff has already been taken. However, Plaintiff counsel has yet
4 to take depositions of the person(s) designated as most knowledgeable pursuant to
5 Federal Rule of Civil Procedure 30(b)(6) which are currently scheduled for February
6 19, 2021 and February 22, 2021 as well as several Walmart employee depositions
7 scheduled for late February and early March, 2021.
- 8 8. Plaintiff's counsel has propounded discovery requests to Walmart which the requested
9 information and documentation is necessary for Plaintiff counsel to effectively take
10 the depositions of the person(s) designated as most knowledgeable from Walmart.
- 11 9. The parties believe that these depositions will allow them to engage in a more
12 meaningful mediation with the hopes of achieving a complete resolution of the lawsuit
13 prior to the parties incurring any additional costs and expense of preparing for trial.
- 14 10. In order to allow Plaintiff's counsel the opportunity to schedule and take these
15 depositions prior to the mediation deadline, the parties therefore stipulate and request
16 that the Court continue the current February 02, 2021 mediation deadline to April 30,
17 2021, or as soon thereafter as is convenient to the Court's calendar.
- 18 11. The parties agree and stipulate all joint scheduling deadlines including all discovery
19 deadlines be continued to run concurrent with the newly assigned mediation deadline.
- 20 12. The parties agree that it is in the best interests of all concerned that the mediation
21 deadline of this matter be continued.
- 22 13. On January 27, 2021, Mr. Kingsley was notified of the parties' intention to continue
23 the February 02, 2021 mediation deadline. Mr. Kingsley had no objection to continue
24 the mediation deadline to a date when all parties have had sufficient time to prepare
25 for a meaningful mediation session.
- 26 14. This is the second request for a continuance of the mediation deadline in this matter.
- 27 15. Good cause exists for granting this request based on the foregoing.
- 28 16. This stipulation may be executed in counterparts and by facsimile or PDF signature.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: January 28, 2021

PHILLIPS, SPALLAS & ANGSTADT LLP



Gregory L. Spallas, Esq.
Adolpho O. Karajah, Esq.
Attorneys for Defendant
WAL-MART ASSOCIATES, INC.

DATED: January 28, 2021

OTKUPMAN LAW FIRM

/s/ Roman Otkupman

Roman Otkupman, Esq.
Attorney for Plaintiff
STACY PERKINS

ORDER

Pursuant to the parties' stipulation (ECF No. 13), and good cause appearing, IT IS ORDERED that the current February 2, 2021 mediation deadline is vacated and continued to April 30, 2021.

IT IS SO ORDERED.

Dated: **February 1, 2021**

/s/ Eric P. Shoj
UNITED STATES MAGISTRATE JUDGE